

**AMENDMENTS TO THE CLAIMS:**

**This listing of claims will replace all prior versions and listings of claims in the application:**

**LISTING OF CLAIMS:**

Claims 1-9 (canceled).

10. (previously presented): A method for detecting and treating a malignant tumor, which method comprises;

administering a tumor detecting effective amount, to a host in need of detection of a malignant tumor, of 5-aminolevulinic acid or a derivative thereof in which at least one carbon atom of said 5-aminolevulinic acid is a carbon isotope and/or a nitrogen atom in its amino group is a nitrogen isotope, and where said derivative is an ester, amide, salt, hydrate or solvate of said 5-aminolevulinic acid;

detecting the malignant tumor using NMR; and

administering an effective amount of said 5-aminolevulinic acid or derivative thereof, in which at least one carbon atom of said 5-aminolevulinic acid is a carbon isotope and/or a nitrogen atom in its amino group is a nitrogen isotope, and where said derivative is an ester, amide, salt, hydrate or solvate of said 5-aminolevulinic acid, to kill said malignant tumor.

11. (previously presented): The method of claim 10 wherein said 5-aminolevulinic acid or derivative thereof is used in combination with a diagnostically acceptable carrier.

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<sup>3</sup> 12. (previously presented): A method for detecting and treating a malignant tumor, which method comprises;

administering a tumor detecting effective amount, to a host in need of detection of a malignant tumor, of a 5-aminolevulinic acid or a derivative thereof in which at least one carbon atom of said 5-aminolevulinic acid is a carbon isotope and/or a nitrogen atom in its amino group is a nitrogen isotope, and where said derivative is an ester, amide, salt, hydrate or solvate of said 5-aminolevulinic acid to thereby accumulate the carbon isotope and/or the nitrogen isotope in the malignant tumor;

detecting the carbon and/or the nitrogen isotope using NMR to thereby identify the position of the malignant tumor; and

administering an effective amount of said 5- aminolevulinic acid or a derivative thereof, in which at least one carbon atom of said 5- aminolevulinic acid is a carbon isotope and/or a nitrogen atom in its amino group is a nitrogen isotope, and where said derivative is an ester, amide, salt, hydrate or solvate of said 5- aminolevulinic acid, to kill said malignant tumor.

<sup>3</sup>  
4 13. (previously presented): The method of claim 12, wherein the malignant tumor is detected and treated in a living host.

<sup>1</sup>  
5 14. (previously presented): The method of claim 10, wherein the killing of said malignant tumor is by a photokinetic method.

<sup>3</sup>  
6 15. (previously presented): The method of claim 12, wherein the killing of said malignant tumor is by a photokinetic method.

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Claim 16. (canceled).

Claim 17. (canceled).

7 ~~18~~. (previously presented): The method of claim ~~10~~<sup>1</sup>, wherein the carbon isotope is used and it is the  $^{13}\text{C}$  or  $^{14}\text{C}$  isotope.

8 ~~19~~. (previously presented): The method of claim ~~18~~<sup>7</sup>, wherein the carbon isotope is used and it is the  $^{13}\text{C}$  isotope and the NMR is  $^{13}\text{C}$ -NMR.

9 ~~20~~. (previously presented): The method of claim ~~12~~<sup>3</sup>, wherein the carbon isotope is used and it is the  $^{13}\text{C}$  or  $^{14}\text{C}$  isotope.

10 ~~21~~. (previously presented): The method of claim ~~20~~<sup>9</sup>, wherein the carbon isotope is used and it is the  $^{13}\text{C}$  isotope and the NMR is  $^{13}\text{C}$ -NMR.

11 ~~22~~. (currently amended): The method of claim ~~10~~<sup>1</sup>, wherein the nitrogen isotope is used and it is the  $^{13}\text{N}$ -or- $^{15}\text{N}$  isotope.

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see  
examiner's  
A  
23. (previously presented): The method of claim 22, wherein the nitrogen isotope is the  $^{15}\text{N}$  isotope and the NMR is  $^{15}\text{N}$ -NMR.

12 ~~24~~. (currently amended): The method of claim ~~12~~<sup>3</sup>, wherein the nitrogen isotope is used and it is the  $^{13}\text{N}$ -or- $^{15}\text{N}$  isotope.

2-8-05  
see  
examiner's  
A  
25. (previously presented): The method of claim 24, wherein the nitrogen isotope is the  $^{15}\text{N}$  isotope and the NMR is  $^{15}\text{N}$ -NMR.

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Claim 26. (canceled).

Claim 27. (canceled).

<sup>13</sup>~~28~~. (previously presented): The method of claim <sup>1</sup>~~10~~, wherein said derivative is used and said derivative is the ester.

<sup>14</sup>~~29~~. (previously presented): The method of claim <sup>3</sup>~~12~~, wherein said derivative is used and said derivative is the ester.

<sup>15</sup>~~30~~. (previously presented): The method of claim <sup>1</sup>~~10~~, wherein said derivative is used and said derivative is the amide.

<sup>16</sup>~~31~~. (previously presented): The method of claim <sup>3</sup>~~12~~, wherein said derivative is used and said derivative is the amide.

<sup>17</sup>~~32~~. (previously presented): The method of claim <sup>1</sup>~~10~~, wherein said derivative is used and said derivative is the salt.

<sup>18</sup>~~33~~. (previously presented): The method of claim <sup>3</sup>~~12~~, wherein said derivative is used and said derivative is the salt.

<sup>19</sup>~~34~~. (previously presented): The method of claim <sup>1</sup>~~10~~, wherein said derivative is used and said derivative is the hydrate.

<sup>20</sup>~~35~~. (previously presented): The method of claim <sup>3</sup>~~12~~, wherein said derivative is used and said derivative is the hydrate.

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~~21~~ 36. (previously presented): The method of claim ~~10~~<sup>1</sup>, wherein said derivative is used and said derivative is the solvate.

~~22~~ 37. (previously presented): The method of claim ~~12~~<sup>3</sup>, wherein said derivative is used and said derivative is the solvate.

~~23~~ 38. (previously presented): The method of claim ~~10~~<sup>1</sup>, wherein the detecting and treating are conducted using a total dose of from 10 mg to 10 g per kg body weight.

~~24~~ 39. (previously presented): The method of claim ~~12~~<sup>3</sup>, wherein the detecting and treating are conducted using a total dose of from 10 mg to 10 g per kg body weight.

~~25~~ 40. (previously presented): The method of claim ~~10~~<sup>1</sup>, wherein the detecting and treating are performed with the same 5-aminolevulinic acid or a derivative thereof in which at least one carbon atom of said 5-aminolevulinic acid is a carbon isotope and/or a nitrogen atom in its amino group is a nitrogen isotope, and wherein said derivative is an ester, amide, salt, hydrate or solvate of said 5-aminolevulinic acid.

~~26~~ 41. (previously presented): The method of claim ~~12~~<sup>3</sup>, wherein the detecting and treating are performed with the same 5-aminolevulinic acid or a derivative thereof in which at least one carbon atom of said 5-aminolevulinic acid is a carbon isotope and/or a nitrogen atom in its amino group is a nitrogen isotope, and wherein said derivative is an ester, amide, salt, hydrate or solvate of said 5-aminolevulinic acid.

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~~27~~  
~~42~~. (previously presented): The method of claim ~~10~~<sup>1</sup>, wherein said malignant tumor exists in a deep region of tissue.

~~28~~  
~~43~~. (previously presented): The method of claim ~~10~~<sup>3</sup>, wherein said malignant tumor exists in a deep region of tissue.

Claim 44. (canceled).

Claim 45. (canceled).

~~29~~  
~~46~~. (previously presented): The method of claim ~~10~~<sup>1</sup>, wherein the malignant tumor is detected and treated in a living host.